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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,510	07/13/2001	Dan Vassilovski	010275	3380
23696 7590 07/03/2007 QUALCOMM INCORPORATED 5775 MOREHOUSE DR. SAN DIEGO, CA 92121			EXAMINER DUONG, DUC T	
			ART UNIT 2616	PAPER NUMBER
			NOTIFICATION DATE 07/03/2007	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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SK

<b>Office Action Summary</b>	<b>Application No:</b>	<b>Applicant(s)</b>	
	09/905,510	VASSILOVSKI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Duc T. Duong	2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6-8, 11, 15, 28, 33, 37, 58 and 59 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6, 11, 15, 28, 33, 37, 38 and 59 is/are allowed.
- 6) ☒ Claim(s) 7 and 8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. The indicated allowability of claims 7 and 8 are withdrawn in view of the previously discovered reference(s) based on the following.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6 and 15 recite the limitation "wireless telephone" in lines 12-13. There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Maggenti et al (US Patent 6,477,150 B1).

Regarding to claim 7, Maggenti discloses a system comprising at least one Session Initiation Protocol SIP header generated by a first telephony infrastructure component 220 (fig. 2-3 col. 7 lines 38-46), the header including information derived at least in part from an-the-air OTA protocol message from a wireless communication device 202 (fig. 2-3 col. 25 lines 34-42); and at least one second telephony infrastructure component 218 operable to receive the SIP message for use thereof in establishing communication with the wireless communication device (fig. 2-3 col. 25 lines 12-33), wherein the OTA protocol message is a code division multiple access CDMA initiation request message (col. 9 lines 61-64), the information represents CDMA call set-up parameters, that are related to the OTA protocol and are not related to voice over Internet Protocol VOIP communication within the infrastructure (col. 25 lines 40-42), and the information represents whether a signaling encryption is supported by the wireless communication device (col. 39 lines 38-47).

Regarding to claim 8, Maggenti discloses a system comprising at least one Session Initiation Protocol SIP header generated by a first telephony infrastructure component 220 (fig. 2-3 col. 7 lines 38-46), the header including information derived at least in part from an-the-air OTA protocol message from a wireless communication device 202 (fig. 2-3 col. 25 lines 34-42); and at least one second telephony

Art Unit: 2616

infrastructure component 218 operable to receive the SIP message for use thereof in establishing communication with the wireless communication device (fig. 2-3 col. 25 lines 12-33), wherein the OTA protocol message is a code division multiple access CDMA initiation request message (col. 9 lines 61-64), the information represents CDMA call set-up parameters, that are related to the OTA protocol and are not related to voice over Internet Protocol VOIP communication within the infrastructure (col. 25 lines 40-42), and the information represents MOB\_TERM status of the wireless communication device (col. 26 lines 45-54).

***Allowable Subject Matter***

6. Claims 6, 11, 15, 28, 33, 37, 58, and 59 are allowed.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or make obvious the steps of or means for **“the information includes at least one station classmark that represents at least the wireless communication device power”**, when such information is considered within the specific structure of the device recited in claims 6 and 28 or the method recited in claims 15 and 37. The prior art of record fails to teach or make obvious the steps of or means for **“the information represents communications from a non-IP enabled CDMA communication device ”**, when such information is considered within the specific structure of the device recited in claims 11 and 33. The prior art of record fails to teach or make obvious the steps of or means for **“sending a second SIP invite message containing only parameters required for SIP VOIP communication and excluding CDMA-specific parameters not required for SIP VOIP communication,**

wherein the message header is a portion of a Session Initiation Protocol SIP Invite Request message”, when the sending is considered within the specific structure of the method recited in claims 58 and 59.

**Conclusion**

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Duc T. Duong whose telephone number is 571-272-3122. The examiner can normally be reached on M-F (9:00 AM-6:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D. Vu can be reached on 571-272-3155. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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DD

Daniel J. Ryman  
Patent Examiner  
AU 2616

*Daniel Ryman*